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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,951	10/28/2004	Kenji Kanayama	036910-0109	8838
22428 7590 04/06/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER MEYERS, JAMES A	
			ART UNIT	PAPER NUMBER
			2609	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/06/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/510,951	Applicant(s) KANAYAMA ET AL.	
	Examiner James A. Meyers	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/28/2004, 3/31/2005, 10/11/2005.

DETAILED ACTION

This action is in response to the initial filing and preliminary amendment filed October 24, 2004. Claims 1-19 are pending and have been considered below.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: S47a on page 25, line 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: S42, S45 and S48a in Figure 4, and S52 in Figure 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application.
3. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

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notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: the examiner notes the use of acronyms (e.g. CMOS, NTSC, RGB, CD-ROM, etc.) throughout the specification without first including a description in plain text, as required.

5. The use of the trademark BLUETOOTH™ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

6. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

7. Appropriate correction is required.

Claim Objections

8. Claim 10 is objected to because of the following informalities: Claim 7, claiming a method, is dependent on Claim 1, claiming a device. The Examiner believes this to be a typographical error, and that Claim 10 should depend on Claim 7, also claiming a method. Claim 10 will be examined as dependent on Claim 7. Appropriate correction is required.

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9. Claims 6, 11, 12, 16, 18 and 19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

10. Claim 6 is a system claim that refers back to Claim 1. The Office considers and claim that refers to another claim as dependent thereon, i.e. a dependent claim. Since Claim 1 is a machine claim comprising 4 features, and Claim 6 fails to add to, delete or change any of these features in the equipment, Claim 6 fails to further limit its parent claim.

11. Claim 11 is a program claim that refers back to Claim 1. The Office considers and claim that refers to another claim as dependent thereon, i.e. a dependent claim. Since Claim 1 is a machine claim comprising 4 features, and Claim 11 fails to add to, delete or change any of these features, Claim 11 fails to further limit its parent claim.

12. Claim 12 is a product claim (i.e. computer readable media) that refers back to Claim 11. The Office considers and claim that refers to another claim as dependent thereon, i.e. a dependent claim. Since Claim 11 is a machine claim comprising 4 features, and Claim 12 fails to add to, delete or change any of these features in the equipment, Claim 12 fails to further limit its parent claim.

13. Claim 16 is a system claim that refers back to Claim 15. The Office considers and claim that refers to another claim as dependent thereon, i.e. a dependent claim. Since Claim 15 is a machine claim comprising 4 features, and Claim 16 fails to add to, delete or change any of these features in the equipment, Claim 16 fails to further limit its parent claim.

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14. Claim 18 is a program claim that refers back to Claim 15. The Office considers and claim that refers to another claim as dependent thereon, i.e. a dependent claim.

Since Claim 15 is a machine claim comprising 4 features, and Claim 18 fails to add to, delete or change any of these features, Claim 18 fails to further limit its parent claim.

15. Claim 19 is a product claim (i.e. computer readable media) that refers back to Claim 18. The Office considers and claim that refers to another claim as dependent thereon, i.e. a dependent claim. Since Claim 18 is a machine claim comprising 4 features, and Claim 19 fails to add to, delete or change any of these features in the equipment, Claim 19 fails to further limit its parent claim.

16. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 101

17. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11 and 18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 11 and 18 are drawn to a computer program per se. A computer program is not a series of steps or acts and this is not a process. A computer program is not a physical article or object and as such is not a machine or manufacture. A computer program is not a combination of substances and therefore not a compilation of matter. Thus, a computer program by itself does not

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fall within any of the four categories of invention. Therefore, Claims 11 and 18 are not statutory.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. Claims 1-3, 5-9, 11, 12 and 15-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashi (JP 2000-115878).

Claims 1, 6, 7, 11 and 12: Takashi discloses image pickup equipment, a method, a program, and computer readable storage medium comprising:

(a) an image pickup section which converts input light so as to obtain image data (a camera, see Abstract);

(b) a self-location detecting section which detects a location of the image pickup equipment (Abstract);

(c) a location determining section which determines whether or not the location detected by the self-location detecting section is inside of a predetermined area (Abstract); and

(d) an image pickup operation restricting section which restricts an image pickup operation on the image pickup section detecting section when the location determining

section determines that the location is outside of the predetermined area (page 3, paragraph 21 and claim 17).

Claims 2 and 8: Takashi discloses image pickup equipment and a method as in Claims 1 and 7 above, and further discloses that the self-location detecting section detects the location in accordance with a state of one or more received waves (Abstract).

Claims 3 and 9: Takashi discloses image pickup equipment and a method as in Claims 2 and 9 above, and further discloses that the self-location detecting section detects the location in accordance with states of received waves that are different from each other (page 2, paragraph 17 and claim 3).

Claim 5: Takashi discloses image pickup equipment as in Claim 1 above, and further discloses that an image pickup device including the image pickup section and the self-location detecting section and a control-side device including the location determining section and the image pickup operation restricting section are provided as different devices, and that they are connected to each other over wireless communication (page 4, paragraph 30).

Claims 15-19: Takashi discloses a sensor device, method, program, and computer readable storage medium comprising:

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(a) a sensor section (the image pickup device, ie. visual sensor, of a camera, see Abstract);

(b) a self-location detecting section which detects a location of the sensor device (Abstract);

(c) a location determining section which determines whether or not the location detected by the self-location detecting section is inside of a predetermined area (Abstract); and

(d) an operation restricting section which restricts an operation of the sensor section if the location determining section determines that the location is outside of the predetermined area (page 3, paragraph 21 and claim 17).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi (JP 2000-115878). Takashi discloses image pickup equipment and a method wherein the self-location detecting equipment detects the location of the image pickup section, and that, if the location is outside the predetermined area, a restriction of the image pickup occurs. However, Takashi does not disclose that the detection and restriction occur before the image pickup operation when image taking is requested.

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One having ordinary skill in the art at the time of invention would have considered it obvious that the detection and restriction could occur at any time during the camera's operation. One would have been motivated to have the detection and restriction occur when image taking is requested so that the theft of the camera could be detected as soon as an attempt to take an image outside the predetermined area occurred, instead of waiting for a periodic check of the location.

21. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takashi (JP 2000-115878) in view of Azuma (JP 2001-016497). While Takashi discloses the equipment and method as in Claims 1 and 7 above, Takashi does not disclose storing authorized user identification information, determining whether or not user identification information obtained from a user matches the authorized user identification information, or restricting the image pickup operation of the camera when the information obtained from the user does not match the authorized user identification information. However, Azuma does disclose storing authorized user identification information, determining whether or not user identification information obtained from a user matches the authorized user identification information, and restricting operation of the camera when the information obtained from the user does not match the authorized user identification information. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to include the security features of Azuma into the equipment and method of Takashi. One would have been motivated to do to prevent operation of the camera by a thief who had not yet left the predetermined area.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Meyers whose telephone number is 571-270-1690. The examiner can normally be reached on Mon-Fri (Alternate Fridays Off), 7:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/29/2007
JM


James W. Myhre
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